

Article - Public Utilities

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§5–404.

(a) (1) In this section the following words have the meanings indicated.

(2) “Oil pipeline corporation” means a corporation of this State, any other state, or the United States, that is:

(i) engaged in the business of transporting refined petroleum products by pipeline as a common carrier public service corporation; and

(ii) subject to the jurisdiction of either the United States Department of Energy (Federal Energy Regulatory Commission) or the Commission.

(3) (i) “Property” means real property in fee simple or any lesser right, interest, or estate that is necessary for the intrastate or interstate purposes of the oil pipeline corporation or both.

(ii) “Property” includes:

1. privately owned property;

2. property owned by a public body; and

3. property devoted to public use if an acquisition under this section does not materially interfere with that public use.

(b) An oil pipeline corporation that is operating an oil pipeline that existed in the State on or before July 1, 1978, may acquire by condemnation, in accordance with Title 12 of the Real Property Article, any property necessary to:

(1) operate those existing oil pipelines and appurtenances; or

(2) construct and operate additional oil pipelines and appurtenances along, on, adjacent to, or incidentally deviating not more than 50 feet from the routes followed by the corporation’s existing rights-of-way.

(c) The right to acquire property under this section may be exercised only in Anne Arundel, Baltimore, Carroll, Cecil, Harford, Howard, Montgomery, and Prince George’s counties and Baltimore City.

(d) (1) An oil pipeline corporation shall restore to its original condition any property used for construction or maintenance of a pipeline.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the construction or maintenance of the pipeline and the restoration of the property shall be completed within 7 days after the start of the construction or maintenance on that parcel of property.

(ii) If weather conditions or the nature of the terrain make completion within 7 days unfeasible, the oil pipeline corporation shall complete the construction or maintenance of the pipeline and the restoration of the property within 30 days.

(e) (1) The right to acquire property under this section may not be exercised unless the oil pipeline corporation, whether or not it is otherwise subject to the jurisdiction of the Commission, first obtains an order from the Commission finding the acquisition to be in the public interest.

(2) Before the Commission makes a finding and issues an order under this subsection, the Commission shall hold a public hearing.

(3) The oil pipeline corporation shall give written notice of the public hearing to all affected property owners.

(f) This section does not affect any other law of the State that applies generally or specifically to oil pipeline corporations.

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